

Translation

PATENT COOPERATION TREATY

PCT/EP2003/014253



PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY  
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 24474WO/23(2)	FOR FURTHER ACTION See Form PCT/IPEA/416	
International application No. PCT/EP2003/014253	International filing date (day/month/year) 15 December 2003 (15.12.2003)	Priority date (day/month/year) 16 December 2002 (16.12.2002)
International Patent Classification (IPC) or national classification and IPC B04B 1/12		
Applicant WESTFALIA SEPARATOR AG		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of <u>4</u> sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising:
a. <input checked="" type="checkbox"/> ( <i>sent to the applicant and to the International Bureau</i> ) a total of <u>9</u> sheets, as follows:
<input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
<input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.
b. <input type="checkbox"/> ( <i>sent to the International Bureau only</i> ) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).
4. This report contains indications relating to the following items:
<input checked="" type="checkbox"/> Box No. I Basis of the report
<input type="checkbox"/> Box No. II Priority
<input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input type="checkbox"/> Box No. IV Lack of unity of invention
<input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
<input type="checkbox"/> Box No. VI Certain documents cited
<input type="checkbox"/> Box No. VII Certain defects in the international application
<input type="checkbox"/> Box No. VIII Certain observations on the international application

Date of submission of the demand 27 May 2004 (27.05.2004)	Date of completion of this report 11 May 2005 (11.05.2005)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

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## Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

This report is based on translations from the original language into the following language \_\_\_\_\_, which is language of a translation furnished for the purpose of:

international search (under Rules 12.3 and 23.1(b))  
 publication of the international application (under Rule 12.4)  
 international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on (replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report):

The international application as originally filed/furnished

the description:

pages \_\_\_\_\_ 4-11 \_\_\_\_\_, as originally filed/furnished

pages\* \_\_\_\_\_ 1-3, 3a \_\_\_\_\_ received by this Authority on 10 February 2005 (10.02.2005)

pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_

the claims:

pages \_\_\_\_\_, as originally filed/furnished

pages\* \_\_\_\_\_, as amended (together with any statement) under Article 19

pages\* \_\_\_\_\_ 1-27 \_\_\_\_\_ received by this Authority on 10 February 2005 (10.02.2005)

pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_

the drawings:

pages \_\_\_\_\_ 1/9-9/9 \_\_\_\_\_, as originally filed/furnished

pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_

pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_

a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3.  The amendments have resulted in the cancellation of:

the description, pages \_\_\_\_\_  
 the claims, Nos. \_\_\_\_\_  
 the drawings, sheets/figs \_\_\_\_\_  
 the sequence listing (specify): \_\_\_\_\_  
 any table(s) related to sequence listing (specify): \_\_\_\_\_

4.  This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

the description, pages \_\_\_\_\_  
 the claims, Nos. \_\_\_\_\_  
 the drawings, sheets/figs \_\_\_\_\_  
 the sequence listing (specify): \_\_\_\_\_  
 any table(s) related to sequence listing (specify): \_\_\_\_\_

\* If item 4 applies, some or all of those sheets may be marked "superseded."

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## V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

## 1. Statement

Novelty (N)	Claims	1-27	YES
	Claims		NO
Inventive step (IS)	Claims	1-27	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-27	YES
	Claims		NO

## 2. Citations and explanations

Document US-A-2695748, which is considered to represent the closest prior art, discloses (cf. figure 9) a separator from which the subject matter of claim 1 differs in that

- at least one wear protection system is arranged and/or designed in the area of each of the solid material outlet nozzles in the outer surface of the drum,
- the wear protection systems being designed as wear protection elements, and
- the wear protection elements are arranged behind each of the outlet nozzles, viewed in the direction of rotation.

The subject matter of claim 1 is therefore novel (PCT Article 33(2)).

The present invention can therefore be considered to address the problem of protecting the separator against wear caused by the product phase exiting through the solid material outlet nozzles.

The solution to this problem, as proposed in claim 1 of the present application, involves an inventive step (PCT

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Article 33(3)) because no hint can be found in the searched prior art that would prompt a person skilled in the art addressing the technical problem in question to provide the outer drum surface of the separator known from US-A-2695748 with a separate wear protection system in such a manner that the resultant separator would be covered by claim 1.

Claims 2-27 are dependent on claim 1 and therefore likewise meet the PCT novelty and inventive step requirements.